



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,951	10/24/2000	Eugenie Charriere	004900-188	8720

21839 7590 04/08/2004

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

SERGEANT, RABON A

ART UNIT PAPER NUMBER

1711

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. ^{AS}
---------------------------------	-------------	---	-----------------------------------

EXAMINER

ART UNIT	PAPER
----------	-------

040204

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on January 16, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants' response to the prior art rejections set forth within paragraphs 8-12 of the Office action of July 16, 2003 contain inconsistencies, relative to the instant claims, that must be resolved or clarified. The inconsistencies, absent further explanation or clarification, preclude further examination on the merits or consideration of the prior art rejections. Firstly, in response to the prior art rejection set forth within paragraphs 8-10, applicants have stated, "... each of the cited documents contain allophanate tricondensates in amounts significantly above the 10 wt.% maximum set forth in the present claims". However, contrary to applicants' statement, claims 24-45 contain no language regarding allophanate tricondensates, including maximum amounts of allophanate tricondensates. Therefore, applicants' response is not commensurate in scope with applicants' claims. Furthermore, an insufficient discussion of the 37 CFR 1.132 declaration has been provided; it is by no means clear how the showings within the declaration are to be reconciled with the instant claims. Secondly, in response to the prior art rejection set forth within paragraphs 11 and 12, applicants have stated that they disagree with the examiner's position that their claims are drawn to biurets. Furthermore, applicants have stated that their invention is drawn to the addition of allophanates to **cyclocondensation** products. These responses are not commensurate in scope with applicants' claims. For example, applicants' claim 24 refers to (cyclo)condensation, and the position is taken that the use of the parentheses clearly indicates that the condensation products need not be cyclic. Furthermore, within claim 26, applicants clearly define that the trifunctional polyfunctional isocyanate may be a noncyclic biuret; see fourth definition of variable A. Therefore, applicants' claims are clearly drawn to biuret containing compositions, and applicants' response to the prior art rejection is nonresponsive. Thirdly, applicants have requested clarification of the second issue within the 35 U.S.C. 112, second paragraph rejection set forth within paragraph 2 of the Office action. Within claim 26, the last definition of A is $Q-[-O-C(O)-N-]_n-$. Depending on the definition of m, A has a valence of 2 or 3; therefore, if A is $Q-[-O-C(O)-N-]_n-$, then the valence for $Q-[-O-C(O)-N-]_n-$ can only be 2 or 3 (as an aside, the valence of $Q-[-O-C(O)-N-]_n-$ cannot be 2, because n is not equal to 2). It is not seen how the valence of A can be satisfied when n equals 4. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

It is noted that claim 57 contains an improper multiple dependency. Correction is required.

Any communication concerning this correspondence should be directed to R. Sergeant at telephone number (571) 272-1079.

R. Sergeant
April 2, 2004

RABON SERGENT
PRIMARY EXAMINER